

## Proposed Rule - **IDAPA 08.02.02.076**, Rules Governing Uniformity

The Executive Committee, a decision-making body comprised of members of the Professional Standards Commission (PSC), including the chair and/or vice-chair of the Commission, has the duty to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. After extensive research and consultation with the Deputy Attorney General assigned to the PSC, the Executive Committee proposed to the full Commission a series of clarifications and revisions to the Code of Ethics for Idaho Professional Educators. The proposal was discussed at length and the Professional Standards Commission voted to recommend approval of the proposed revisions to the Code of Ethics for Idaho Professional Educators. The Code of Ethics is contained in IDAPA 08.02.02.076. Any changes to the Code of Ethics must go through the rule promulgation process. The proposed amendments clarify existing language and the elimination of subsections that are not clearly defined or are duplicative of other sections.

### **IDAPA 08 TITLE 02 CHAPTER 02**

#### **08.02.02 - RULES GOVERNING UNIFORMITY**

##### **076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

##### **01. Aspirations and Commitments. (3-20-04)**

**a.** The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

**b.** The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his/~~her~~ goals and potential as an effective citizen. (4-11-06)(    )

**c.** The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other's cultures and beliefs. (3-20-04)(    )

**d.** The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

**e.** The professional educator believes the quality of services rendered by the education profession

directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

**02. Principle I. Professional Conduct.** A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct ~~may~~ shall include the conviction of any felony or misdemeanor offense ~~as defined by set forth in Section 33-1208 18-110 and Section 18-111, Idaho Code. All infractions (traffic) as defined by Section 18-113A, Idaho Code, are excluded.~~ (3-20-04)( )

**03. Principle II. Educator/Student Relationship.** A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-04)( )

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
- d. Committing any act of harassment as defined by district policy; (4-11-06)
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-20-04)( )
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases); (3-20-04)( )
- g. Taking inappropriate ~~pictures~~ images (digital, photographic, or video) of students; (3-20-04)( )
- h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)
- i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; ~~and~~ (4-11-06)( )
- j. Conduct that is detrimental to the health or welfare of students; and (4-11-06)( )
- k.** Deliberately falsifying information presented to students. ( )

- 04. Principle III. Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol, or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)( )
- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
  - b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
  - c. Inappropriate or illegal use of prescription medications on school premises or at any school-

sponsored events, home or away; (4-11-06)

d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)

e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

**05. Principle IV. Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: ~~(3-20-04)~~ ( )

a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)

b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)

c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)

d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification ~~at the time of application for licensure~~; (3-20-04)( )

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; ~~and~~; (3-20-04) ( )

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-04) ( )

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification ( )

**06. Principle V. Funds and Property.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: ~~(3-20-04)~~ ( )

a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

b. Failure to account for school funds collected from students, ~~or parents, or patrons~~; ~~(3-20-04)~~( )

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

e. Use of school ~~computers~~ property for a private ~~business~~ financial gain; ~~(3-20-04)~~ ( )

f. Use of school computers to deliberately view or print pornography; and, (3-20-04)

- g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

**07. Principle VI. Compensation.** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-04) ( )

a. Unauthorized solicitation of students or parents of students to purchase equipment, ~~or~~ supplies, or services from the educator who will directly benefit; (3-20-04) ( )

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

d. Soliciting, accepting, or receiving a ~~pecuniary~~ financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-04) ( )

**08. Principle VII. Confidentiality.** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-04) ( )

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

**09. Principle VIII. Breach of Contract or Abandonment of Employment.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-04) ( )

~~a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;~~ (3-20-04) ( )

~~b. a.~~ Willfully refusing to perform the services required by a contract; and, (3-20-04) ( )

~~c. b.~~ Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04) ( )

**10. Principle IX. Duty to Report.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-04) ( )

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)

c. Failure to comply with Section 33-512B, Idaho Code, (~~S~~suicidal tendencies and duty to warn); and (4-11-06)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and

failing to report the violation to an appropriate education official. (3-20-04)

**11. Principle X. Professionalism.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to:

(4-11-06)( )

**a.** Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)

**b.** Committing any act of harassment toward a colleague; (4-11-06)

**c.** ~~Conduct that is offensive to the ordinary dignity, decency, and morality of others;~~ (4-11-06)

**d.** Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)( )

**e.** Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)( )

**f.** ~~Deliberately falsifying information presented to students;~~ (4-11-06)( )

**g.** Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)( )

**h.** Taking inappropriate ~~pictures~~ images (digital, photographic or video) of colleagues. (4-11-06)( )

## **077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

**01. Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. (3-20-04)

**02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)

**03. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code). (3-20-04)

**04. Certificate Denial.** The refusal of the state to grant a certificate for an initial or reinstatement application. (3-20-04)

**05. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. (3-20-04)

**06. Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. (4-11-06)

**07. Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). (3-20-04)

**08. Contract.** Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. (3-20-04)

**09. Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. (3-20-04)

**10. Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). (3-20-04)

**11. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). (3-20-04)

**12. ~~Ethics~~ Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. ~~(4-11-06)~~ (\_\_\_)

**13. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)

**14. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)

**15. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission ~~Ethics Executive~~ Committee, or following review by the ~~Ethics Executive~~ Committee at the request of the deputy attorney general assigned to the Department of Education. ~~(4-11-06)~~ (\_\_\_)

**16. Minor.** Any individual who is under eighteen (18) years of age. (3-20-04)

**17. Not-Sufficient Grounds.** A determination by the ~~Ethics Executive~~ Committee that there is not-sufficient evidence to take action against an educator's certificate. ~~(4-11-06)~~ (\_\_\_)

**18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. (3-20-04)

**19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. (3-20-04)

**20. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)

**21. Revocation.** The invalidation of any Certificate held by the educator. (3-20-04)

**22. Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. (3-20-04)

**23. Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12. (3-20-04)

**24. Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists

to issue an Administrative Complaint.

(3-20-04)

**078. -- 089. (RESERVED)**